

## **5 - Comments/issues from Stony Brook, NY - Atlantic striped bass scoping meeting 12/1/03; 7:30-9:30 p.m.**

There were 12 participants at this meeting. These individuals identified their interests in striped bass management, as follows: recreational, only (6); recreational and other (1); recreational and NGO (1); NGO (1) and other (3).

### **General Comments/questions:**

- The majority of states didn't support opening the EEZ, the motion carried by only one vote.
  - There are plenty of small fish in the stock, but it still lacks the number of older, larger fish needed to maintain a healthy age and size structure. We can't say that the stock is restored when we don't have full age range yet.
  - In 2002, NOAA Fisheries informed the ASMFC that it was not appropriate to open the EEZ at that time. What has changed for NOAA Fisheries to now be considering such a recommendation? (Amendment 6 includes appropriate targets and thresholds, not previously included in the FMP).
  - Keeping the EEZ closed, as it currently is, does not preclude anyone from fishing, it only prevents everyone from fishing in the same area. Historical expectations are not impacted.
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### **Issues/concerns that should be evaluated**

#### **Stock/biological:**

- Determine when/if and where striped bass are concentrated during portions of the year (e.g., large numbers of 18-20 pound, 32-34 inch fish are found on Phelps grounds, Asia ridge, Fishing rip, and around the Great Sound Channel, about 30 miles off Nantucket, in 180- ft. and shallower depths, during spring & fall. No very small or very large fish are seen.)
- Investigate large bycatch reports that the NEFMC has already noted, (i.e., the trawl fishery around Diamond Shoals.)
- Evaluate discards of large fish taken as bycatch in the trawl fishery now- where they must all be discarded.
- Evaluate the current status of the stock, health and state of recovery of the stocks, given that there are plenty of young fish but few older, large fish needed to maintain a healthy age and size structure.
- Evaluate impacts on the stock of all recent changes in the fishery, allowed under Amendment 6 (e.g., if NY opts to increase from 1 to 2 fish bag limit, as allowed in this Amendment). How will those impacts be accounted for in the decision to open the EEZ, especially given the 2002 F estimate already exceeded the target level?
- While there have been several years of good spawning recently, how will the historic data relative the cyclic nature of spawning success be incorporated into the evaluation?
- Evaluate potential for increased effort in the striped bass fishery if the EEZ is opened, and the resulting impact on fishing mortality. Will harvest, and therefore fishing mortality increase if the EEZ is opened?
- Evaluate likelihood of increased mortality on large breeders if they are targeted in the

EEZ. What will the impact on the age structure be? Is there evidence of a genetic link to the large spawners?

- Evaluate differences in striped bass distribution, both in and beyond state waters, off each coastal state to determine if opening the EEZ will have a disproportionate benefit to some states over others, and how to account for those differences.
- Evaluate whether opening the EEZ would disrupt the conservation and management regime for striped bass (per the ASBCA).

#### Management/fishery:

- Evaluate impacts of opening the EEZ on individual state laws and regulations.
- Evaluate the legality of the third portion of the ASMFC recommendation, i.e., can states require more restrictive measures on their vessels, fishing in the EEZ, than is required by Federal regulations that may be implemented there?
- Evaluate the potential for changes in the harvest patterns in the fishery and the resulting impacts to current participants, both recreational and commercial. Will landing of bycatch taken in the EEZ result in earlier closures/less available quota to inshore vessels? If so, what is the economic impact?
- Evaluate impact on small inshore vessels if larger vessels take quota offshore, reducing amount available/allowed to smaller vessels that can't fish in the EEZ. Evaluate the impact on communities if such a shift in distribution of catches to different fleets were to occur.
- NMFS must demonstrate that opening the EEZ will not disrupt management in state waters.
- What regulatory measures could be implemented if the EEZ is opened to prevent an increased directed fishery (both commercial and recreational) that would result in increased effort and resulting fishing mortality.
- Evaluate whether opening the EEZ would ensure the effectiveness of state regulations governing the take and disposition of striped bass.
- Evaluate whether opening the EEZ would be consistent with the National Standards under the Magnuson-Stevens Act.
- Would the opening of the EEZ result in an expansion of the commercial fishery and increased landings?
- Evaluate potential for shifts in fishing behavior, both recreational and commercial, and the resulting impacts to the stock., and how these behaviors can be controlled?
- What measures could be incorporated into EEZ regulations to ensure rapid response to any perceived stock concerns, especially given the time it may take to determine that there may be a problem with the health of the stock?
- While commercial fisheries are controlled on a state by state basis with monitored quotas, recreational harvest is controlled based on a coastwide estimate of fishing mortality. If reductions in recreational fishing mortality are deemed necessary, how can cutbacks be equitably distributed if only one or a minority of states have substantial increases in recreational harvest while all states would have to implement reductions?
- Will opening the EEZ provide a disproportionate benefit to recreational fishermen in some states, to the detriment of fishermen in other states? If so, is this consistent with National Standard 4?

### Enforcement:

- Enforcement is inadequate as it is now. How will opening the EEZ impact the ability to enforce state regulations, either in state waters or on state vessels in the EEZ?
- Identify how enforcement would work – with Federal vs State regulations. How will state enforcement agents be able to enforce regulations in the EEZ?
- Identify specifics of what defines which state laws apply to a vessel (state where berthed, home port, where fish are caught, where landed).
- Evaluate the ability of states with gamefish status to prohibit landings of striped bass commercially caught in the EEZ.
- What measures can be implemented to prevent vessels from non-participating states to fish in the EEZ and land in their home states (e.g., SC and GA), where there aren't regulations to account for those landings?
- How would more restrictive state laws such as gear restrictions or commercial harvest prohibition, be implemented on a commercial vessel that catches striped bass in the EEZ and is caught in state waters where such possession is not allowed?

### **6- Comments/issues from Old Lyme, CT - Atlantic striped bass scoping meeting 12/2/03; 7:00-9:00 p.m.**

There were 56 participants at this meeting. These individuals identified their interests in striped bass management, as follows: recreational, only (45); commercial, only (1); recreational and other (1); recreational and commercial (2); recreational and NGO (1); other (5), not specified (1).

Participants at this meeting requested that the following information, be provided as part of the summary of the meeting.

1. What was the vote of the Atlantic States Marine Fisheries Commission's Atlantic Striped Bass Management Board that resulted in inclusion, in Amendment 6, of the recommendation to open the EEZ? MA, RI, NY, NC, NOAA Fisheries and US FWS voted in favor of including this recommendation. ME, CT, NJ, DE, PA voted in opposition; NH, MD, and VA had a null vote (i.e., only 2 of the 3 state Commissioners were present and one vote cancelled the other); Potomac River Fisheries Commission (PRFC) abstained; and DC was not present.
2. Clarify the information in the scoping document related to the increase in commercial landings that is allowed under Amendment 6. - The increase allowed in Amendment 6 relates only to the coastal commercial fishery. That increase, to the 1972-1979 average coastal fishery landings level of 3.8 million pounds, equates to about a 43% increase in the recent coastal commercial quota. Total commercial landings, including fisheries in the Chesapeake and other estuaries, have been about 5-6 million pounds in recent years.

### **General Comments/questions:**

- The majority of states didn't support opening the EEZ.
- We do not believe stock is fully restored.
- Striped bass should be made a game fish, coastwide and farm raised fish should replace commercial harvest in the market.
- For CT, the recreational fishery contributes more to the state economy than the

- commercial fishery.
- State and Federal agencies need to do a better job of warning people about the hazards of PCBs and the associated health risks in eating striped bass, and should increase sampling for such contamination.
  - If the EEZ was closed in 1990 to protect good year classes, what has changed now to determine that it is appropriate to open the EEZ?
  - Why is there a need to open the EEZ when the commercial quota is being taken and the recreational fishery is doing very well fishing just in state waters?
  - Other prey species, such as menhaden, need to be managed to ensure adequate forage for striped bass and other harvested fish species.
  - The EEZ currently serves as a sanctuary for striped bass, why not keep it that way.
  - Public meetings should be held during the fishing season so more interested fishermen will attend.
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### **Issues/concerns that should be evaluated**

#### **Stock/biological:**

- Evaluate the impact of opening the EEZ to striped bass fishing on the larger breeding females, assumed to be in that area. Need to understand the size/age distribution of the stock, especially in the EEZ. Can we say that we have achieved a balanced age structure when we don't yet see larger numbers of age 15-plus?
- Evaluate whether opening the EEZ will disrupt migration routes of the stocks, and/or impact the availability of large fish/spawners.
- Evaluate the current health of the Chesapeake Bay stock, which contributes from about 65-80% of the coastal migratory stock, where there are reported high levels of mortality due to the micro-bacterial infections resulting in high natural mortality (M) rates. Recent estimates show a 3-fold increase in M in fish <28" in last 3 years.
- Evaluate the impact to the stocks of other measures already implemented under Amendment 6 (increase in commercial quota, and increase in recreational bag limits in some states).

#### **Management/fishery:**

- If the EEZ were to be opened, what measures could be implemented to prevent high-grading in both commercial and recreational fisheries? Will discard mortality increase?
- Evaluate whether opening the EEZ would really result in a decrease in discard mortality as suggested in the rationale provided with the ASMFC recommendation.
- Evaluate whether opening the EEZ will result in a shift of both commercial and recreational effort to areas susceptible to over harvest of specific congregations of fish (e.g., of the mouth of the Chesapeake Bay, or as they migrate into and out of Federal waters).
- Evaluate whether opening the EEZ would ensure the effectiveness of state regulations governing the take and disposition of striped bass. How will opening the EEZ effect gamefish states?
- Evaluate to differences in average size and therefore value to the nation of commercial vs recreational caught fish. Based on information provided it appears that commercial

caught fish weigh about 4.5 pounds while recreational fish average about 6.5 pounds. If so, are commercial fish on average, of legal size?

- Evaluate the likelihood of commercial and recreational fisheries shifting to the EEZ and the subsequent impact to the stock if larger fish are taken, resulting in greater amounts of discard. For the commercial fishery this may occur if the quota is reached more quickly and subsequently caught fish would need to be discarded. For the recreational fishery, similar high grading would result in greater discards.
- Evaluate whether opening the EEZ would result in a greater interest in commercial fishing for striped bass. If so, this may result in achieving quota sooner and additional discard mortality.
- Evaluate the likelihood and subsequent impact if opening the EEZ resulted in a congregation of vessels fishing on a “hot-spot” off a gamefish state. Could a large catch in such an area result in diminished availability to recreational fishermen inside state waters? Evaluate specific state regulations to determine if such a scenario is likely to occur.
- Fully evaluate all state regulations to determine the potential conflicts for transport of striped bass to and/or from the waters of any state and/or the EEZ.
- If the EEZ were to be opened, evaluate potential for implementing rod and reel/hook and line fishing, only and requiring use of circle hooks, one hook per line, both recreational and commercial.
- Evaluate whether opening the EEZ will result in the increased purchase of larger vessels resulting in an increase in fishing pressure.
- Evaluate the economic benefits of the recreational versus commercial fisheries.
- Determine whether or not opening the EEZ, as recommended, will meet the requirements of Secretarial actions included in the Atlantic Striped Bass Conservation Act.

#### Enforcement concerns:

- Evaluate the ability to enforce regulations on striped bass if the EEZ were to be opened.
- Evaluate how state enforcement agencies will be able to take on additional work load that will be associated with opening the EEZ, both in the increased area to be covered and in association with potential transport of fish through the states where various state and Federal laws would have to be followed.

#### Safety/health:

- Evaluate the potential impact on human health of possible increases in PCBs in striped bass if the EPA mandated dredging of the Hudson to remove PCB contaminated sediment occurs. Will there be an increase in striped bass contamination and if so will opening the EEZ result in a greater health risk?

